



OF PAPERS
ORIGINALLY FILED

Attorney's No.: 10559-502001 / P11794

DAC
#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James L. Jason Jr.
Serial No. : 10/045,671
Filed : October 22, 2001
Title : DETERMINING PACKET SIZE IN NETWORKING

Art Unit : Unknown
Examiner : Unknown

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BOX PETITIONS

Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

PETITION UNDER 37 CFR §1.182

Pursuant to 37 CFR §1.182 and in response to the Notice to File Missing Parts mailed March 1, 2002, applicant contends that page 10 of the specification was included with the application as filed on October 22, 2001. Copies of the following items are included as evidence of filing.

1. Copy of transmittal letter indicating 11 pages of specification included;
2. Copy of stamped return postcard indicating 11 pages of specification were received by the Patent Office;
3. Copy of page 10 of the specification.

05/09/2002 STEFFERA 00000010 10045671

01 FC:122 130.00 DP

Adjustment date: 07/05/2002 AKELLEY
05/09/2002 STEFFERA 00000010 10045671
01 FC:122 -130.00 DP

Repln. Ref: 07/05/2002 AKELLEY 0014024000
DAW:061050 Name/Number:10045671
FC: 704 \$130.00 CR

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

April 26, 2002
Date of Deposit
Signature *Lesley J. Arcidy*
Lesley J. Arcidy
Typed or Printed Name of Person Signing Certificate

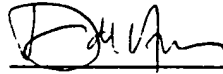
Applicant : James L. Jason
Serial No. : 10/045,671
Filed : October 22, 2001
Page : 2

Attorney's [REDACTED] No.: 10559-502001 / P11794

Enclosed is a check for \$130 to cover the fee for this petition. Please apply any other charges or credits to Deposit Account No. 06-1050, reference 10559-502001.

Respectfully submitted,

Date: A/26/02



David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/045,671	10/22/2001	James L. Jason JR.	10559/502001/P11794

CONFIRMATION NO. 2397

FORMALITIES LETTER



OC000000007565532

20985
FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

Date Mailed: 03/01/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

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OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1032.
 - \$360 for 20 total claims over 20.
 - \$672 for 8 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1902.

The following item(s) appear to have been omitted from the application

01 FC:101	740.00 OP
02 FC:103	360.00 OP
03 FC:102	672.00 OP
04 FC:105	130.00 OP

- Page(s) 10 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition

under 37 CFR 1.182 (with the \$100.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Patty-✓

102/5102

PATENT

ATTORNEY DOCKET NO.: 10559-502001

The Patent and Trademark Office date stamp sets forth the receipt date (or both the receipt date and the Serial Number) of a patent application identified as follows:

Applicant: James L. Jason Jr.

Title: Determining Packet Size in Networking

- ☒ Transmittal Letter
☒ Appin. 11 Pages of Spec. 7 Pages of Claims 40 Total Claims 1 Pages of Abstract
☐ Rule 62 Filing Request (FWC) Pages
☐ Assignment
☐ Deposit Account Order Form (2 Copies)
☐ Check \$
☐ Small Entity Statement
☒ Drawings 7 Sheets Formal Sheets Informal
☐ Combined Declaration and Power of attorney signed unsigned
☐ Preliminary Amendment Pages
☐ Information Disclosure Statement
☐ PTO 1449 Form Pages
☐ Prior Art References-Number of References
☐ Priority Document Pages
☐ English Translation
☒ Other cover sheet

EL688321088US

JC035 U.S. PTO

10/045671

10/22/01

Atty/Sec. 521 Client/ Initials 221 Matter Name Intel P1794 Date 10-22-01

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FISH & RICHARDSON, P.C.
SAN DIEGO

FISH RICHARDSON P.C.

COPY OF PAPERS
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October 22, 2001

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92122

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Facsimile
858 678-5099

Web Site
www.fr.com

Attorney Docket No.: 10559/502001/P11794

Box Patent Application
Commissioner for Patents
Washington, DC 20231

Presented for filing is a new original patent application of:

Applicant: JAMES L. JASON JR.

Title: DETERMINING PACKET SIZE IN NETWORKING

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	11
Claims	7
Abstract	1
Declaration	[To be Filed at a Later Date]
Drawing(s)	7

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Enclosures:

— Postcard.

There are 40 total claims, 11 of which are independent.

Basic filing fee	\$0
Total claims in excess of 20 times \$18	\$0
Independent claims in excess of 3 times \$84	\$0
Fee for multiple dependent claims	\$0
Total filing fee:	\$0

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL688321088US

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit October 22, 2001
Signature Mike Augustine

Mike Augustine
Typed or Printed Name of Person Signing Certificate



Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951



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